

Onley Town Council
Regular Monthly Meeting
Minutes of February 3, 2020

Hearing for Special Use Permit and Regular Monthly Meeting of the Onley Town Council held at the Onley Baptist Church, 25501 W. Main Street, on the 3rd day of February A.D., 2020:

Council Members Present: Matt Hart, Mayor
Ned Finney, Vice Mayor
Billye D. Custis
Claudia Harmon
Rose Pierson
Susan Rillo
Woody Zember

Staff Present: Jamye Salazar, Town Manager
John Spivey, Chief of Police, OPD
Alissa Yoder, Clerk

Call to Order

Mayor Hart called the meeting to order at 6:29pm.

Invocation & Pledge of Allegiance

The invocation was given by Billye D. Custis and the Pledge of Allegiance was led by Susan Rillo.

Adoption of Agenda

Motion: To adopt the agenda by Rose Pierson and seconded by Susan Rillo.

Roll Call Vote: Custis-yes; Finney-yes; Harmon-yes; Pierson-yes; Rillo-yes; Zember-yes.

MOTION PASSED

Planning Commission Meeting

Call to Order – Chairperson Deborah Bliss called the Planning Commission Meeting to order at 6:30pm. She stated that the Planning Commission does not recognize this meeting as a joint public meeting.

Town Council and Planning Commission Joint Public Hearing(s) for Special Use Permit

Call to Order the Hearing(s) & Establishment of Quorum(s) for Onley Town Council & Planning Comm.

Ms. Salazar responded to Ms. Bliss, stating that the meeting tonight is a joint public meeting for both council and the planning commission to hear public comments.

Rules for Public Hearing were read by Ms. Salazar.

Statement of Facts on Special Use Permit (SUP) was read by Ms. Salazar and is available to review at the town office.

Council & Planning Commission Discussion of Special Use Permit (SUP) application Mr. William Moore responded to questions from council, the planning commission, and residents surrounding his property. He stated that his company cleans the porta potties before returning them to the facility. He also noted that he will be putting up a continuous, 6-foot, locked fence, which he anticipates having up by the end

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of June. When answering questions, Mr. Moore stated that he is planning to level the area and put new gravel down, and stressed that his goal is to have a very clean facility that causes no issues for his neighbors. Mr. Don Bowling spoke as a planning commission member and neighbor of Mr. Moore, stating that he noticed a smell coming from his property on occasion. Mr. Moore took note of this, and reassured Mr. Bowling that all porta pots are clean when returning to the site, and he will always “try to be a good neighbor”. He also noted that he has all permits required and follows all guidelines to ensure a clean environment for the town. Mr. Moore responded to a question, stating there was no environmental assessment of the property that was done when he purchased the property.

Public Comments on Special Use Permit Application (SUP) – Mr. Bowling inquired on the amount of porta pots that will be on the property. He also expressed concern about the appearance of the property for the town. Ms. Kellam noted that the council can put stipulations on the Special Use Permit if they chose to do so.

Adjourn Public Hearing – Both Bodies –

Motion: To adjourn the public meeting by Rose Pierson and seconded by Billy D Custis at 6:49pm.

Roll Call Vote: Custis-yes; Finney-yes; Harmon-yes; Pierson-yes; Rillo-yes; Zember-yes.

MOTION PASSED

Ms. Bliss read paragraph 9-2. D that states “the council requests a recommendation from the planning commission regarding the issuance of a special use permit a joint public hearing shall be held. The planning committee’s recommendation shall be transmitted to town council by the town council’s first meeting after”, which Ms. Bliss stated is in March. Ms. Kellam stated that the planning commission has already performed their due diligence regarding Mr. Moore’s permit prior to this meeting, and it is at the council’s discretion if they would like to receive the planning commission’s recommendation tonight or at the next meeting. Ms. Custis also noted that she interpreted the paragraph to mean “by” the town council’s first meeting after, meaning it can happen before the next meeting as well. Ms. Bliss reported that the planning commission was not satisfied with the answers given by Mr. Moore, and they would like to meet later this month and present their recommendation to council at the next month’s meeting. She also stressed that “if council does not want to hear what we have to say, stop inviting us.” Vice-Mayor Finney inquired if there were further questions the planning commission has for Mr. Moore. Ms. Bliss stated that they do not have any questions at this time, and they would like another meeting to discuss what kind of specifications to put on Mr. Moore’s permit, if any. Ms. Kellam noted that putting specifications on the special use permit is the town council’s responsibility. Ms. Custis stated that she “would like to hear the planning commission’s recommendation”, but she “would like to hear it tonight”. All members agreed with this statement, with the exception of Ms. Pierson.

Motion: To adjourn the planning commission meeting by Rose Pierson and seconded by William Ferguson at 7:00pm.

Roll Call Vote: Bliss – yes; Bowling – yes; Ferguson – yes; Kluis – yes; Pierson – yes.

Mr. Kluis stated that he would like to see an 8-foot fence for the property, along with ways to handle the ground water run-off. Mayor Hart asked if the planning commission would like to deliberate tonight.

Ms. Bliss stated that they will not be deliberating tonight.

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Zoning Admin Recommendation- William M. Moore, LLC – Ms. Salazar began her recommendation by noting that she was unaware that the planning commission felt the answers Mr. Moore gave them in written form prior to the meeting was not sufficient enough for them; it was never told to her. Ms. Salazar presented her recommendation to council. She also stated that Mr. Moore is following all zoning guidelines, he has plans to improve the property and the property has been used for this purpose for many years. Ms. Salazar recommends a special use permit be granted with provisions, which were read to the council and are available at the town office. Mr. Moore reiterated that he would like to “be a good neighbor” and is committed to improving the property. He noted that chemicals found on the premises are few and not found in bulk amounts on the property.

Presentation – 2017-2018 & 2018-2019 Audit(s) – David Foley, RFCA – David Foley presented council with the 2017-2018 and 2018-2019 audits. He commended Ms. Salazar for her assistance and effort in preparing for the audits and on-going record-keeping. A copy of the 2017-2018 and 2018-2019 audits can be found at the town office.

Presentation – Linda Bowden, Berecah Homes, Inc. – Mayor Hart introduced Linda Bowden and Kim Watson from Berecah Homes, who brought samples and updated council on the process with Berecah. Council had a question and answer session with Ms. Bowden and Ms. Watson.

Took break 7:40 pm, returned from break at 7:52 pm.

Consideration of Minutes

Motion: To adopt the January 6, 2020 Regular Monthly Meeting minutes by Rose Pierson and seconded by Woody Zember.

Roll Call Vote: Custis-yes; Finney-yes; Harmon-yes; Pierson-yes; Rillo-yes; Zember-yes.

Motion Passed

Department Reports:

Police Report & Schedule – Chief Spivey presented council with a police report and a schedule for February 2020. He also presented council with a 2020 Dodge Charger Price List, which he noted is equipment to the vehicle that are necessary to convert to a police vehicle. Chief Spivey provided explanation to council regarding the items on the list. He also noted that this equipment is in the budget, falling under the line items labeled “Law Enforcement Expense” and “Capital Expense”.

Motion: To purchase the equipment for the 2020 Dodge Charger patrol vehicle for \$4,102.89 plus shipping by Susan Rillo and seconded by Woody Zember.

After a brief discussion, a roll call was taken.

Roll Call Vote: Custis-yes; Finney-yes; Harmon-yes; Pierson-yes; Rillo-yes; Zember-yes.

Motion Passed

Discussion of Police Schedule – Vice Mayor Finney noted that this discussion was placed on the agenda by him, and requested that Ms. Salazar speak about the 8-hour shift that the officers are currently working. Ms. Salazar updated council on how the 8-hour shifts are going for the officers. She noted that it has negatively affected the general morale of the officers. She also noted that the 8-hour shift is

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requiring more overtime for some officers and cutting the hours available to work during grant hours; she noted that this could lead to the town receiving less grant money. Ms. Salazar recommended to council that, due to the 8-hour shifts already showing to have many negative effects, the council consider changing the shifts back to 10-hours. Chief Spivey answered questions from council. Ms. Custis expressed her concern for not giving the 8-hour shift enough time to work. Vice-Mayor Finney and Ms. Rillo disagreed with Ms. Custis, stating that they felt that if it already is not proving to work, it may get worse. Ms. Rillo noted that Ms. Salazar should be responsible for the office and how she feels it should be run, including schedules. However, Ms. Rillo also noted, along with Ms. Pierson, that she would agree to switch to a 10-hour with the stipulation that Chief Spivey assure the council that vacation time will not build up at the end of the year. Chief Spivey assured the council that he will be vigilant with this issue. Ms. Harmon inquired if any officers expressed their interest in quitting; and Ms. Salazar responded with "yes". Mayor Hart polled council on switching the 8-hour shifts to 10-hour shifts. Councilmembers Zember, Rillo, Finney and Pierson stated yes, and Councilmembers Harmon and Custis stated no, and noted that they both felt the 8-hours was not done long enough to know if it works. **Motion: To go back to the 10-hour schedule with the stipulation that Jamey and Chief Spivey review officer GPS tapes and put Chief Spivey back into rotation by Ned Finney and seconded by Susan Rillo.**
Roll Call Vote: Custis-no; Finney-yes; Harmon-yes; Pierson-yes; Rillo-yes; Zember-yes.
Motion Passed

Treasurer's Report

Ms. Salazar gave her report for January 2020. A copy of the report is available at the town office.
Motion: To pay the payables by Woody Zember and seconded by Susan Rillo.
Roll Call Vote: Custis-yes; Finney-yes; Harmon-yes; Pierson-yes; Rillo-yes; Zember-yes.
Motion Passed

Transfer Money from PNC Money Market

Ms. Salazar provided council with rate sheets from the banks regarding the transfer of funds. She noted that Taylor Bank offered to come to the next meeting to talk about the options with them. Ms. Harmon requested all the banks be invited to come to the next meeting as a fair comparison of options. Ms. Salazar responded that she will get in touch with the other banks and will plan to have presentations added to the March agenda.

Town Manager's Report / Zoning Administrator Report / Public Works Report

Ms. Salazar read her report for Town Manager, Zoning Administrator and Public Works for January 2020. This report is available at the Town Office.

Attorney's Report

Ms. Kellam reported that she assisted Ms. Salazar through telephone calls regarding BZA, Planning Commission, Zoning Ordinance and Special Use Permit questions. She also requested a meeting with Ms. Salazar and Chief Spivey to discuss the Parking Ordinance, hoping for sometime next week.

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Planning Commission Report

There was no Planning Commission Report or discussion of the draft zoning ordinance, due to the Planning Commission members' absence.

Old Business

Property at 25571 E. Main Street / New Town Office

Conceptual Berecah Plan – Councilwoman Pierson thanked the representatives from Berecah for attending the meeting. She reported that the building committee has done their due diligence and is now prepared for the next step of putting the Berecah plans out for bid. Vice-Mayor Finney and Council members Custis, Harmon, and Rillo expressed concern over the size of the office rooms and the meeting room. There was discussion and debate between council members and the building committee. There was a break in the meeting from 9:10pm until 9:16pm. The representatives from Berecah noted that this space can be changed before the plans are finalized, with no \$500 fee included. Mayor Hart thanked the representatives for their offer.

Motion: To approve plans of Berecah with the amended dimensions of 50' by 50' that are sent out for competitive bidding in accordance with Onley procurement policy by Rose Pierson and seconded by Woody Zember.

Roll Call Vote: Custis-no; Finney-yes; Harmon-yes; Pierson-yes; Rillo-yes; Zember-yes.

Motion Passed

GMB Plan – The council agreed that they will send the GMB plans out to bid after the Berecah plan bids are received.

George N. McMath Park/Committee Report

A report for the George N. McMath Park Committee was presented by Billye D. Custis. The report is available at the town office.

Motion: To purchase concrete from T & W at \$130 per yard as needed by Ned Finney and seconded by Woody Zember.

Roll Call Vote: Custis-yes; Finney-yes; Harmon-yes; Pierson-yes; Rillo-yes; Zember-yes.

Motion Passed.

Beautification Committee Report– Ms. Salazar reported that the Beautification Committee received a resignation letter from Ms. Laurice Holt.

Purchase of 5' Lighted Snowflakes – Ms. Salazar informed council that the Beautification Committee would like to purchase snowflakes for the town, which are buy two get one free. She proposed purchasing 12 snowflakes for a total of \$4790. Ms. Salazar also estimated about \$500 for shipping and handling.

Motion: To purchase 8 snowflakes, with the addition of 4 free snowflakes for an estimated total of \$5290.00 by Woody Zember and seconded by Susan Rillo.

Roll Call Vote: Custis-yes; Finney-yes; Harmon-yes; Pierson-yes; Rillo-yes; Zember-yes.

Motion Passed.

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Historical Preservation Committee – Ms. Salazar reported that after posting notifications about the formation of the Historical Preservation Committee, she received a letter of interest from Mr. Gordon Vincent and Mayor Hart. Mayor Hart also noted that Mr. George McMath expressed interest to him about being part of the committee. Councilwoman Pierson expressed interest verbally in joining the committee as well.

Motion: To accept the names that have been submitted for the Historical Preservation Committee, which are Gordon Vincent, Matthew Hart, George McMath and Rose Pierson by Rose Pierson and seconded by Woody Zember.

Roll Call Vote: Custis-yes; Finney-yes; Harmon-yes; Pierson-yes; Rillo-yes; Zember-yes.

Motion Passed.

Special Use Permit (SUP) – William M. Moore LLC– Ms. Kellam reminded council that they can agree to make a decision on the Special Use Permit at this meeting or next meeting, whatever they decide. Councilwoman Rillo suggested making a decision at this meeting, due to Mr. Moore having already been waiting and the property already having a Special Use Permit there already with the same property use as before. Councilwoman Pierson and Councilman Zember agreed. Mayor Hart noted that if council agrees to make a decision tonight, he would be concerned over the planning commission’s members “not feeling like they’re being heard”, but also stated that it is up to council. Ms. Kellam responded, saying that the Planning Commission is the advisory board for council, and that council ultimately has the final decision.

Motion: To approve the Special Use Permit for William M. Moore LLC with the stipulations that Ms. Salazar recommended by Susan Rillo and seconded by Ned Finney.

Roll Call Vote: Custis-yes; Finney-yes; Harmon-yes; Pierson-yes; Rillo-yes; Zember-yes.

New Business

Phillips Sign Company Expense \$3,895.52 (Ratify Motion) – Ms. Salazar informed council that a town sign has already been purchased for \$3,895.52, due to her concern that the sign would take a long time to be received once ordered. She also noted that she did a roll call vote with council before purchasing the sign, and that the town will be reimbursed by VRSA.

Motion: To purchase the sign for \$3,895.52 by Billye D. Custis and seconded by Susan Rillo

Roll Call Vote: Custis-yes; Finney-yes; Harmon-yes; Pierson-yes; Rillo-yes; Zember-yes.

Re-appointment of Town Manager, Chief of Police & Town Attorney

Motion: To reappoint Jamye Salazar as town manager by Susan Rillo and seconded by Woody Zember.

Roll Call Vote: Custis-yes; Finney-yes; Harmon-yes; Pierson-yes; Rillo-yes; Zember-yes.

Motion: To reappoint John Spivey as Chief of Police by Susan Rillo and seconded by Ned Finney.

Roll Call Vote: Custis-yes; Finney-yes; Harmon-yes; Pierson-yes; Rillo-yes; Zember-yes.

Motion: To reappoint Rachel Kellam as town attorney by Susan Rillo and seconded by Ned Finney.

Roll Call Vote: Custis-yes; Finney-yes; Harmon-yes; Pierson-yes; Rillo-yes; Zember-yes.

Crosswalk at Intersection of Coastal Blvd. & Main St. – Mayor Hart reported that he was at the intersection of East Main Street and Coastal Boulevard when Ms. Holt fell. He expressed concern that there was no crosswalk at the intersection and suggested having a crosswalk to prevent future issues.

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Councilwoman Custis reported that she spoke with Ms. Holt about this issue, and Ms. Holt assured Ms. Custis that a crosswalk would not have prevented her from falling. Councilwoman Custis read the letter from November 2017 from Senator Lynwood Lewis that spoke of VDOT, Lynwood Lewis and Delegate Robert Bloxom agreeing that due to no prior accidents at the intersection and limited funds, the town would not be receiving a crosswalk there. Council also discussed a “no turn on red” sign and the placement of sidewalks at the intersection.

Public Comments – Ms. Mary Wardius inquired if Taylor Bank is in Onley. Mayor Hart responded that it is. Ms. Wardius also inquired about the wires that have been installed on the telephone poles recently. Chief Spivey responded that they are fiber network cables from the broadband authority. Mr. Ralph Wardius inquired about a property close to the William Moore’s property. Ms. Wardius stated that the odors that Mr. Bowling spoke of may be coming from there, due to the number of cats inhabiting it. Ms. Salazar stated that she has spoken with the officers about the property due to people using the site for dumping. She also noted that she has reached out with Accomack County and did not have much luck getting the cats out of the property, due to residents continuously feeding them. Ms. Wardius also mentioned that when the building plans go out for bid, to put a deadline on when they should return the bids. Mayor Hart noted that a deadline will be put on the bids.

Council Comments – Councilman Zember thanked everyone for coming, along with the employees and town council, and expressed his satisfaction with moving a step forward with the building process. Councilwoman Rillo thanked everyone for coming, along with her fellow council members and the Mayor. She also noted that she is happy to see Ms. Salazar, Ms. Kellam, and Chief Spivey are re-appointed for another year, and that Ms. Yoder is helping out full-time while a part-time employee is found. Councilwoman Harmon expressed that tonight was upsetting due to feeling personally attacked. She noted that it was bothersome to her because of how the public perceives her. She also clarified that she ran for council to do what’s best for the town in all things, and does not have a “team” on the council. She called for everyone to work well together, and noted that she is happy to see the employees being re-appointed for another year. Vice-Mayor Finney thanked the council and employees. Councilwoman Custis thanked everyone and stated that she agrees with Councilwoman Harmon. Councilwoman Pierson thanked everyone for coming and giving their input. She also thanked the employees and fellow-council.


Adjourn

Motion: To adjourn at 9:58 pm by Susan Rillo and seconded by Rose Pierson.

Roll Call Vote: Custis-yes; Finney-yes; Harmon-yes; Pierson-yes; Rillo-yes; Zember-yes.

Motion passed.

Respectfully submitted,


Alissa Yoder, Clerk


Matthew D. Hart, Mayor